

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY O'ROURKE,

Plaintiff,

Case No. 09-10542

v.

Hon. John Corbett O'Meara

VAN RU CREDIT CORP.,

Defendant.

ORDER OF PARTIAL DISMISSAL

On February 13, 2009, Plaintiff filed a complaint in this action alleging violations of the Fair Debt Collection Practices Act, the Michigan Debt Collection Practices Act, and the Michigan Occupational Code. Plaintiff does not allege that diversity jurisdiction exists. Although Plaintiff's federal cause of action is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II and III of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 27, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 27, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager